

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 17-33 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Claim Objections

The Examiner objected to claims 17-32 because the preamble was not consistent with the scope of the claimed invention. By way of the present Amendment, Applicant has amended the preamble of claim 17 as suggested by the Examiner.

Rejection Under 35 USC 112

Claims 17-33 stand rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner objected to the use of word "means" in regard to the abutment and the word hook. By way of the present Amendment, this has now been removed. In regard to claim 28, the Examiner suggested using "towards" rather than "against". This has also been accomplished by way of the present Amendment.

Accordingly, this rejection is believed to be overcome.

Rejection Under 35 USC 102

Claims 17-20, 22-30 and 33 stand rejected under 35 USC 102 as being anticipated by Franks (US Patent 654,723). The Examiner states the Frank shows a stop shoulder 34, a locking means 57 and an end part 57, 10 that inherently contacts the door edge as it is opened.

Applicants submit that claim 17, as amended, is not anticipated by this reference. In particular, claim 17 now specifically describes the three different positions on the lock, including an open position, a locked position and a safety position. Franks only discloses a safety position and an open position. Further, claim 17 is very specific as to the arrangement of the various parts in the three positions. Accordingly, Applicants submit that Franks does not anticipate claim 17. Further, claim 17 has been amended to make it clear that the abutment is arranged within an enclosure in the frame. Franks does not show any enclosure in the frame, but rather all of the

parts are added to the outside of the frame or the door. Further, Franks does not show a locking means which is moveable along the plane of the door. Further, claim 17 describes and end part which overlaps the abutment which is not seen in Franks. For these reasons, Applicant submit that claim 17 is not anticipated by Franks. Further, claims 18-33 depend from claim 17 and as such are also considered to be allowable.

Claim 17-27 and 29-33 stand rejected under 35 USC 102 as being anticipated by Lüling (US Patent 4,048,822). This rejection is respectfully traversed.

The Examiner states that Lüling shows a stop shoulder 12, a locking means 14, 15, 22 and an end part 12. Applicant submits that claim 17 is not anticipated by the reference. Applicant submits that claim 17, as amended, includes limitations not found in Lüling. Thus, claim 17 now describes an abutment arranged within an enclosure in the frame. This is not seen in Lüling. Instead, the hook 18 is attached to the surface of the frame. By having the abutment within the frame, the possibility of manipulation is decreased which further enhances security. Further, it is noted that in Lüling, a key and an actuating handle 53 are rotated in order to operate the lock. In the present invention, translation is used to move the various parts into position. The arrangement makes it easier for a person who has difficulty with movements to lock the device. Also, in case of an emergency or in darkness, it is easier to handle. Further, claim 17 now describes the locking means as including a blocking element which is operable from the inside of the door. Applicant submits that the separate blocking element is not seen in Lüling. For these reasons, Applicant submits that claim 17 defines over this reference as well. Likewise, claims 18-33 also define over this reference.

Claims 17-30 and 33 stand rejected under 35 USC 102 as being anticipated by Hamer (UK 2 346 923). This rejection is respectfully traversed. Applicant submits that claim 17, as amended, also is not anticipated by this reference. Claim 17 describes that the abutment is arranged within an enclosure in the frame which is clearly not seen in the reference. Instead, the keeper 11 is attached to the outside of the frame. Further, Applicant submits that the reference does not show a locking means having an end part which overlaps the abutment. Accordingly, Applicant submits that this rejection is overcome. Thus, claim 17-33 are also allowable over this reference.

Rejection Under 35 USC 103

Claim 21 stands rejected under 35 USC 103 as being obvious over Franks. This rejection is respectfully traversed.

The Examiner states that it would have been obvious to mount a cylindrical casing 7 on the door and to provide a recess in the frame for parts 3 and 4. Applicant submits that even if the Examiner is correct that such a change would be obvious, it is still does not aid the reference in meeting the terms of amended claim 17. Thus, if the two ends of Franks were reversed, there would still be no enclosure in the frame in which the abutment is arranged. Further, such an enclosure would not face the door. Franks only shows the elements being mounted on the surfaces of the door and frame. Accordingly, having such an enclosure would not be obvious over Franks.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/549,702
Amendment dated February 4, 2008
Reply to Office Action of November 2, 2007

Docket No.: 0104-0531PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 4, 2008

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,384

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant